STATE ELECTION COMMISSION, HARYANA

S.C.O. NO. 16-17, SECTOR 20-D, CHANDIGARH

Order

The 20th February, 2009

No. SEC/3ME/2009/1231.—As per provisions contained in Section 13D and 13E of Haryana Municipal Act, 1973, every contesting candidate of Municipal Committee has to maintain his election expenditure account from the date of his nomination till the declaration of result. As per orders dated 19th December, 2006, State Election Commission, Haryana has fixed the time limit *i.e.* 'within 30 days of declaration of result' to file the election expenditure with the Deputy Commissioner or any other officer prescribed by the State Election Commission, Haryana, and the candidates those who will not file his election expenditure account within time limit and make expenditure beyond expenditure limit fixed by the State Election Commission, Haryana will be disqualified by this State Election Commission, for three years.

The General Election to Municipal Committee, Nilokheri, District Karnal, was held on 20th January, 2008. Shri Sat Pal (Elected), a candidate of Ward No. 9 failed to lodge his election expenditure account within 30 days of declaration of result.

He was issued show cause notice as to why he should not be disqualified because he had not filed the election expenditure statement in time. Shri Sat Pal *vide* his reply dated 19th December, 2008 received in the Commission on 24th December, 2008 has informed that he has contested the election as Councillor of Municipal Committee, Nilokheri and declared elected. As per directions of the State Election Commission he could not submit his election expenditure by 20th February, 2008 due to the reason that he was suffering from pneumonia and has not completely recovered, in the meantime trouble was started in his brother's leg and went to and fro for the treatment of his brother and his aunt (Bua Ji) also expired, so due to domestic problem he could not deposit his election expenditure in time. He has deposited his election expenditure on 19th December, 2008 which is beyond prescribed limit of time.

Thereafter he was directed to appear before me for personal hearing on 5th February, 2009 at 12.00 noon at Haryana Tourism's Complex, Karan Lake, Karnal. Shri Sat Pal has stated that his written reply dated 19th December, 2008 may be treated his statement. I asked Shri Sat Pal to give medical certificate and other document in support of his illness. Shri Sat Pal informed that he did not possess any medical certificate and or any other document in this regard. Shri Sat Pal deposited his election expenditure statement on 19th December, 2008.

Shri Sat Pal, who has elected as Councillor had filed the election expenditure account on 19th December, 2008. He stated that due to his family problem he could not file the election expenditure in time *i.e.* by 18th February, 2008. He had filed his election expenditure account much beyond the limit of 30 days. Shri Sat Pal is hereby disqualified for a period of 3 years from the date of this order. Shri Sat Pal, elected Councillor has incurred the disqualification for his failure to file the election expenditure statement by 18th February, 2008. In his case, disqualification also means and include removal from the office of elected Councillor, He is not entitled to continue as a Councillor because of this disqualification. His seat is declared vacant. Necessary action to fill up this vacancy be taken, accordingly.

Copy of the order be communicated to all concerned and got notified in the Haryana Government Gazette.

Chandigarh :
The 12th February, 2009

CHANDER SINGH,
State Election Commissioner, Haryana.